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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,329	10/31/2000	Dave Parker	005220.P002	3235

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EXAMINER	
ALAM, UZMA	
ART UNIT	**PAPER NUMBER**
2457	

MAIL DATE	DELIVERY MODE
03/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/703,329	PARKER ET AL.	
	Examiner	Art Unit	
	UZMA ALAM	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/9/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-14,16-18,42 and 46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-14,16-18,42 and 46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the decision by the Board of Appeals rendered September 9, 2009. The rejection was affirmed in part. The rejection of claims 1-6, 9-14, 16-18, 42, and 46 has been reversed by the Board of Patent Appeals and Interferences, and claims 7, 20-24, 26-28, 30-33, 43, 45, and 48 has been affirmed . As per the Board of Patent Appeals and Interferences' decision, claims 7, 20-24, 26-28, 30-33, 43, 45, and 48 has been cancelled. The prosecution of claims 1-6, 9-14, 16-18, 42, and 46 have been reopened.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carleton et al. US Patent Publication No. 2001/0044840 in view of Kidder et al. US Patent No. 6,445,774. Kidder teaches the invention as claimed including a system for monitoring a network (see abstract).

As per claim 1, Carleton teaches a method, comprising:

accessing a port of a host system [client devices being monitored 26a-26c, 32a-32c] and logging into said host system [client server 22] [log into a device on the client network 12 which contains devices 26a-26c through a client server 22 from a remote

monitoring and administration system 20 and access a specific device of the client network - pp 0049, pp0050, line 1-3, pp0075 - The client server 22 is connected to various client devices 26a-26c and 32a-32c. The client server transmits this information to the monitoring and administration system 20. The alarms generated for a device are about the device itself and all the port associated with the device; pp092] to monitor an internal parameter [status and statistics about device operation and specific port operation, such as level of port activity; line 2 or paragraph 0050, pp0075, Figure 12] for a predetermined event related to the host system (a system is monitored by logging on to ports of certain system elements; paragraph 0054, 0062-0070, 0075);

transferring data about the predetermined event from the satellite system to a monitoring operations center [Monitoring and administration system 20] (remote network monitoring system 20; pp 0050)

generating, by a monitoring operations center, a notification upon the occurrence of the predetermined event to a first person in a hierarchy (the business rules define normal functions and notification rules, if a function is not being performed as expected, a notification is sent; paragraph 0053); and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period (notifications are escalated, as defined by the business rules; paragraph 0009, 0053, 0054, 0079).

Carleton teaches substantially all the limitations, except for the idea of logging into a host system by a satellite system.

Kidder teaches in an analogous art, such idea of logging into a host system by a network monitor remotely (claimed satellite system which is disclosed as being a processing system) (see column 9, lines 40-50; Kidder teaches the network monitor 204 logs into the automated workflow system 409. The network monitor 204 is described in column 6, lines 55-31 as being an automated or semi-automated process.).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have modified the method of Carleton by logging into a host system by a network monitor remotely as evidenced by Kidder. A person of ordinary skill in the art would have been motivated to do so for the purpose of investigating and resolving quickly and effectively any anomaly that generated an alarm, thereby preventing any catastrophic events that may have occurred.

As per claim 2, Carleton and Kidder teach the method of claim 1, further comprising determining whether the notification is successful (Carleton each notification as an acknowledgement flag; paragraph 0053, 0079).

As per claim 3, Carleton and Kidder teach the method of claim 1, wherein the predetermined event is receipt of a state change of the internal parameter (Carleton the monitoring system checks for state changes of system elements; paragraph 0054).

As per claim 4, Carleton and Kidder teach the method of claim 1, wherein the predetermined event is exceeding a threshold value set for the internal parameter (Carleton paragraph 0053).

As per claim 5, Carleton and Kidder teach the method of claim 1, further comprising generating the notification a number of times for an amount of time (Carleton paragraph 0053).

As per claim 6, Carleton and Kidder teach the method of claim 5, wherein the number of times, the amount of time, and the time period are configurable (Carleton the business rules, which set notification rules can be configured by a user; paragraphs 0051 ,0062-0070, 0079).

As per claim 9, Carleton and Kidder teach the method of claim 1, further comprising providing a possible cause of the predetermined event occurrence (Carleton paragraph 0081)

As per claim 10, Carleton and Kidder teach the method of claim 1, where escalation is based on a set of rules (Carleton paragraphs 0054, 0062-0070, 0079).

As per claim 11, Carleton and Kidder teach the method of claim 10, wherein the

set of rules is based on a time delay between the notification and the acknowledgement (Carleton paragraphs 0054, 0079).

As per claim 12, Carleton and Kidder teach the method of claim 10, wherein the set of rules is based on the state change (Carleton paragraphs 0053, 0079).

As per claim 13, Carleton and Kidder teach the method of claim 10, wherein the set of rules is based on schedules of the first and second persons (paragraphs 0053, 0062-0070).

As per claim 14, Carleton and Kidder teach the method of claim 1, wherein the notification is generated and escalated automatically (Carleton paragraph 0053).

As per claim 16, Carleton and Kidder teach the method of claim 1, is further comprising monitoring a service of the host system (Carleton paragraphs 0054, 0084).

As per claim 17, Carleton and Kidder teach the method of claim 1, wherein the parameter is a utilization of a component of the host system (Carleton paragraph 0084).

As per claim 18, Carleton and Kidder teach the method of claim 17, further comprising:

monitoring additional parameters of the host system, wherein the additional parameters include a service of the host system (Carleton paragraph 0084); and

eliminating a redundant notification based on dependent parameters of the host system; (Carleton paragraph 0080).

As per claims 42 Carleton and Kidder teach the method of claims 1 wherein generating further comprises transmitting the occurrence of the predetermined event from the satellite system to the monitoring operation center (Carleton paragraph 0009).

As per claim 46, Carleton and Kidder teach the method of claim 1, wherein accessing the port of the host system to monitor the internal parameter comprises logging into the host system (Carleton paragraphs 0054, 0058, 0092).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UZMA ALAM whose telephone number is (571)272-3995. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Uzma Alam
/U. A./
Examiner, Art Unit 2457
October 6, 2009

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457

/Jack Harvey/
Director, Technology Center 2400